

IN RE: PETITION FOR SPECIAL HEARING  
S/S Bosley Avenue, 283' E of  
the c/l of York Road  
(913 Bosley Avenue)  
9th Election District  
4th Councilmanic District  
Jan Frederick  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-502-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of a two apartment dwelling on the subject property in a D.R. 16 zone, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Jan Frederick, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioner was Paul Lee, Professional Engineer. Numerous residents of the area appeared as Protestants in the matter.

Testimony indicated that the subject property, known as 813 Bosley Avenue, consists of 0.047 acres more or less, zoned D.R. 16 and is improved with a two-story brick dwelling currently containing two apartments as depicted on Petitioner's Exhibit 8. The facts of this case are not in dispute. The subject property is located in the subdivision known as Towson Park which was recorded among the Land Records of Baltimore County on January 13, 1954. The subdivision plan was approved by the Director of the Baltimore County Planning Commission on January 7, 1954 (see Petitioner's Exhibit 2). The subject dwelling was not constructed and ready for occupancy until 1956. Testimony indicated that the house was constructed as a two apartment dwelling and this fact was verified by various documents entered into evidence by the Petitioner. The testimony clearly established that from September 1956, the subject dwelling was occupied as a two apartment dwelling from and during that time, continuously and without interruption until the present date.

ment dwelling from and during that time, continuously and without interruption until the present date.

The issue to be decided is when did the use of 813 Bosley Avenue as a two apartment dwelling commence. Mr. DiNenna argued on behalf of the Petitioner that the use in this instance commenced at the time that the record plat was recorded in the Land Records of Baltimore County, that date being January 13, 1954. Mr. Santangelo argued on behalf of the Towson Park Community Corporation that the use did not commence until such time as the property was deeded to Mr. & Mrs. Klenk on August 13, 1956.

Section 103.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) addresses this argument. It is clear from reading that Section and applying the past procedure of this Office that the Petitioner has enjoyed a vested right to use the subject property as two apartments since the time that the plat was recorded in the Land Records of Baltimore County on January 13, 1954. On that date, this property was zoned "D Residential" which allowed for two apartments to exist at 813 Bosley Avenue. Therefore, it is clear this property enjoys a nonconforming use as two apartments.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two apartment dwelling, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of September, 1991 that the Petition for Special Hearing to approve the nonconforming use of a two-apartment dwelling on the subject property in a D.R. 16 zone, in accordance with Petitioner's Exhibits 1 and 8, be and is hereby GRANTED, subject, however, to the following restrictions:

ing on the subject property in a D.R. 16 zone, in accordance with Petitioner's Exhibits 1 and 8, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to file a new Petition.

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint for an alleged "rooming house" violation of the B.C.Z.R.

3) In the event the Office of Zoning Enforcement receives a complaint regarding a possible rooming house violation on the subject property, the owner of said property shall supply to the Office of Zoning Enforcement a copy of any lease agreement entered into with any tenant of the two apartments and the names of those tenants occupying said apartments.

4) This Order and these restrictions shall run with the land. The Petitioner shall cause this Order to be recorded among the Land Records of Baltimore County so that any future purchaser of this property shall have notice of this Order and the restrictions contained herein. A copy of the recorded Order shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

5) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event that the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

ORDER RECEIVED FOR FILING

Date: 9/14/91

By: [Signature]

TWK:bjs

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 9, 1991

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
S/S Bosley Avenue, 283' E of the c/l of York Road  
(813 Bosley Avenue)  
9th Election District - 4th Councilmanic District  
Jan Frederick - Petitioner  
Case No. 91-502-SPH

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: People's Counsel

File

#### PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve non-conforming use of two (2) apartments in a single family dwelling in a DR16 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
S. Eric DiNenna, Esquire  
(Type or Print Name)  
Signature: \_\_\_\_\_  
409 Washington Ave., Ste. 600  
Address  
Towson, MD 21204  
City and State  
Attorney's Telephone No.: 296-6820

Legal Owner(s): \_\_\_\_\_  
Jan Frederick  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna, Esquire  
409 Washington Ave., Ste. 600  
Towson, MD 21204  
City and State  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of August, 1991, at 10:30 o'clock A.M.

[Signature]  
Zoning Commissioner of Baltimore County.

ZCO-No. 1

(over)

ORDER RECEIVED FOR FILING

Date: 9/14/91

By: [Signature]

Paul Leo P.E.

Paul Leo Engineering Inc.  
301 W. Pennsylvania Ave.  
Towson, Maryland 21204  
301-221-5341

#### DESCRIPTION

813 BOSLEY AVENUE  
NINTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the south side of Bosley Avenue, said point also being located N 57°45'41" E - 283 feet ± from the center of York Road, thence binding on the south side of Bosley Avenue (1) N 57°45'41" E - 19.00 feet, thence leaving said south side of Bosley Avenue and continuing to and passing through the center of a partition wall between 813 and 815 Bosley Avenue and continuing in the same direction in all (2) S 32°14'19" E - 108.00 feet to the north side of a 16' alley, thence binding on the north side of said alley (3) S 57°45'41" W - 19.00 feet, thence leaving said north side of the 16' alley and continuing to and passing through the center of a partition wall between 813 and 811 Bosley Avenue and continuing in the same direction in all (4) N 32°14'19" W - 108.00 feet to the point of beginning.

Containing 2,052 square feet ( 0.047 acre ) of land, more or less.



3/22/91  
J.O. 91-001

Engineers - Surveyors - Site Planners

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9A Date of Posting: 9/14/91  
Posted for: Special Hearing  
Petitioner: Jan Frederick  
Location of property: 813 Bosley Ave. Ste. 600  
Location of Sign: 813 Bosley Ave. Ste. 600  
Remarks: non-conforming use of two apartments in a single family dwelling  
Posted by: [Signature] Date of return: 8/14/91  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/1/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1/91.

TOWSON TIMES,

[Signature]  
Publisher

\$78.67

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/1/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1/91.

THE JEFFERSONIAN,

[Signature]  
Publisher

\$78.67

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 on the following:  
Case Number: 91-502-SPH  
S/S Bosley Avenue, 283' E of York Road  
813 Bosley Avenue  
9th Election District  
4th Councilmanic District  
Petitioner: Jan Frederick  
Hearing Date: Tuesday, Aug. 27, 1991 at 10:30 a.m.  
Special Hearing: to approve the nonconforming use of two apartments in a single family dwelling.  
Zoning Commissioner of Baltimore County  
T.J.8016 August 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

HR1-0051

FILED IN TOWSON TIMES  
DATE OF FILING: 9/1/91  
TOTAL: \$78.67

BA0404013812HRC  
Please Make Checks Payable To: Baltimore County  
\$35.00

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 8/6/91

**COPY**

Jan Frederick  
118 E. Timonium Road  
Timonium, Maryland 21093

RE:  
Case Number: 91-502-SPH  
S/S Bosley Avenue, 283' E of c/l York Road  
813 Bosley Avenue  
7th Election District - 4th Councilmanic  
Petitioner(s): Jan Frederick  
HEARING: TUESDAY, AUGUST 27, 1991 at 10:30 a.m.

(var Petitioner(s):

Please be advised that \$103.67 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

**COPY**

JULY 1, 1991

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-502-SPH  
S/S Bosley Avenue, 283' E of c/l York Road  
813 Bosley Avenue  
7th Election District - 4th Councilmanic  
Petitioner(s): Jan Frederick  
HEARING: TUESDAY, AUGUST 27, 1991 at 10:30 a.m.

Special Hearing to approve the non-conforming use of two apartments in a single family dwelling.

Zoning Commissioner of  
Baltimore County

cc: Jan Frederick  
S. Eric DiNenna, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 31, 1991

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, MD 21204

RE: Item No. 451, Case No. 91-502-SPH  
Petitioner: Jan Frederick  
Petition for Special Hearing

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Jan Frederick  
118 E. Timonium Road  
Timonium, MD 21093

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 5th day of June, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Jan Frederick  
Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: June 10, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420  
Michael J. Macubin, Item No. 431  
Jay S. Lebow, M.D., Item No. 433  
Raymond A. Ricci, Item No. 434  
Terry W. Deitz, Item No. 435  
Kathleen B. Thompson, Item No. 436  
William Buzby, Item No. 437  
Thomas P. Sisk, Item No. 441  
Elmer S. Cochran, Item No. 444  
Richard W. Offutt, Item No. 448  
Joseph C. Hiltner, Item No. 449  
Jan Frederick, Item No. 451  
Joseph Klein, III, Item No. 452  
Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIED.2AC/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MAY 31, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAN FREDERICK  
Location: #813 BOSLEY AVENUE  
Item No.: 451 Zoning Agenda: JUNE 4, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. J. Kelly* 634 Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for June 4, 1991

DATE: June 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

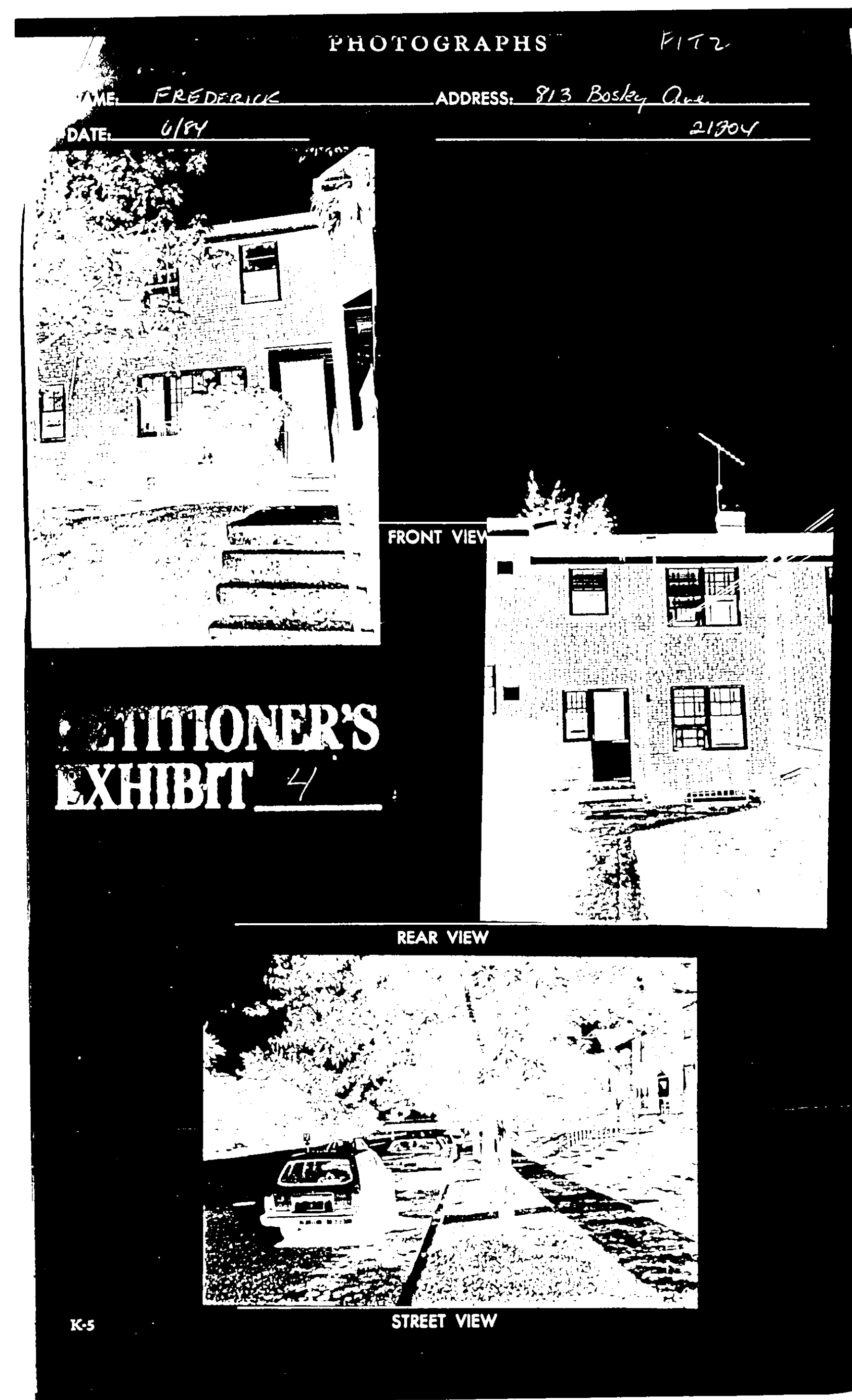
*Robert W. Bowling*  
Robert W. Bowling, P.E., Chief,  
Developers Engineering Division

RWB:s

received  
6/14/91



NAME	ADDRESS
Mark Santangelo	2 Skidmore Ct
V.P. Townson Park Neighborhood Assoc.	Townson, Md. 21204
James P. Danna	1 Skidmore Ct 21204
Cherene J. Pressman	14 Skidmore Ct 21204
James "Butch" L. L.	10011 ... 21204
John R. Carr, RCY	555 Bowley Ave. - 21204
James M. ...	21204
John H. ...	807 ... 21204
Betty L. Haines	821 Bowley Ave 21204
JANET L. LARSON	824 Bowley Ave 21204
James E. ...	855 Bowley Ave. 21204
Henry E. ...	855 Bowley Ave. 21204
Carole R. ...	21204
ALFONSO R. ...	847 Bowley Ave 21204
PAUL Flock	815 Bowley Ave 21204
JEANNE Flock	815 Bowley Ave 21204

[illegible]

**6-C-B**

Liber **2554** PAGE **242**  
THIS DEED AND AGREEMENT made this \_\_\_\_\_ 31st day of August A.D. 1954  
between  
**TOWSON PARK, INC.**, a body corporate of the State of Maryland,  
party of the first part, and the COUNTY COMMISSIONERS OF BALTIMORE County, a municipal corporation of the State of Maryland, hereinafter called County, party of the second part;  
WITNESSEAS, the County desires to construct and maintain sewers, drains, water pipes, and other municipal utilities and services, in and across the land heretofore described; and the party of the first part is willing to grant such right.  
NOW THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said party of the first part hereby grants unto the County Commissioners of Baltimore County, a municipal corporation, its successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services, laid through the land of the party of the first part situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the right-of-way which is described as follows:  
**Situated in the 9th Election District of Baltimore County:**  
In and to all those streets, roads, avenues, alleys, easements, reservations and right-of-ways, as shown on Plat of Towson Park, which Plat is recorded among the Plat Records of Baltimore County in Liber C.L.B. No. 19, folio 110.  
BEING a portion of the property which by Deed dated December 10, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2405, folio 212, was granted and conveyed by Rodgers Forge Apartments Co. To Towson Park, Inc.  
And the party of the first part does hereby agree that the County Commissioners of Baltimore County, its successors and assigns, shall have the right and privilege of entering upon the above-said land, whenever it may be necessary, to make openings and excavations and to lay, construct and maintain said municipal utilities and appurtenances, provided, however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or improvements of any kind shall be erected thereon or over the said right-of-way by any of the parties herein named, except as consent and assign.  
IN WITNESS the due execution hereof by the aforementioned party of the first part, I, \_\_\_\_\_  
TOWSON PARK, INC.,  
TEST: \_\_\_\_\_  
\_\_\_\_\_ (SEAL)  
\_\_\_\_\_ (SEAL)  
\_\_\_\_\_ (SEAL)  
STATE OF MARYLAND, BALTIMORE COUNTY  
I HEREBY CERTIFY THAT ON this \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_  
year Nineteen Hundred and Fifty-four  
State of Maryland, in and for the County of \_\_\_\_\_  
and \_\_\_\_\_  
party of the within Deed and Agreement, and he acknowledges himself to be the agent of said body corporate.  
As WITNESS my Hand and Notarial Seal.  
Notary Public.  
Subscribed and sworn to before me and legal sufficiency this \_\_\_\_\_ day of September, 1954.  
County Solicitor.  
Recorded for record at \_\_\_\_\_ A.M. Sept. 8, 1954, at \_\_\_\_\_ Md.  
Per George L. Blythe, Registrar.

EITHEORE'S  
 THIRT 6  
 CONTAINS RESTRICTIONS  
 GCB  
 App. NO. 10-13000  
 28<sup>th</sup> day of JUNE 1960  
 THIS LEASE, Made this \_\_\_\_\_, in the year one thousand nine hundred and fifty-six, by and between TOWSON PARK, INC., a corporation of the State of Maryland, party of the first part, Lessor; and YORKVILLE HOMES, INC., also a corporation of the State of Maryland, party of the second part, Lessee.  
 WITNESSETH: That the said lessor, in consideration of the rents hereinafter expressed to be paid, does demise and lease, subject to the restrictions and conditions hereinafter set forth, unto the said lessee, its successors and assigns, all those twenty-eight (28) lots of ground situate in the Ninth Election District of Baltimore County, State of Maryland, being known and designated as Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, in Block No. 1, as shown on the Plat of Towson Park, which plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 19 folio 110. The improvements on said lots being respectively known as Nos. 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, and 865 Bosley Avenue.  
 BELING part of the property which by Deed dated December 10, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2405 folio 212, was granted and conveyed by Rodgers Forge Apartments, Inc. to the said Towson Park, Inc., in fee simple.  
 TOGETHER with the improvements thereon, and the rights and appurtenances thereto belonging or in anywise appertaining.  
 TO HAVE AND TO HOLD the said lots of ground unto and to the use of the said YORKVILLE HOMES, INC., its successors and assigns, subject to the conditions and restrictions hereinafter set forth, for the term of ninety-nine years, beginning on the date of these presents, it, the said lessee, its successors and assigns, yielding and paying therefor unto the said lessor, its successors or assigns, the rent or yearly sum of Ninety-Six (\$96.00) Dollars each on the lots of ground hereinabove designated as Lots Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, and 27; the rent or yearly sum of One Hundred Eight (\$108.00) Dollars each on the lots of ground hereinabove designated as Lots Nos. 1, 7, 8, 14, 15, 21, and 22; and the rent or yearly sum of One Hundred Twenty (\$120.00) Dollars on the lot of ground hereinabove designated as Lot No. 28, in each and every year during the continuance of this demise, and that in even and equal half-yearly instalments accounting from the



This Deed, Made This 28th day of August

in the year one thousand nine hundred and eighty four

by and between

HALL KLENK

of Baltimore County, State of Maryland, party

JANICE FREDERICK, party

of the second part.

Witnesseth, That in consideration of the sum of SIXTY THOUSAND AND 00/100THS (\$60,000.00) DOLLARS, the receipt of which is hereby acknowledged,

the said party of the first part,   
 D.M.F. 12.00   
 D.T.K. 300.00   
 D.J.K. 300.00   
 DEED 0 #   
 C.R. JR. Y 612.00   
 821960 0002 R02 11108   
 09/01/84

does grant and convey to the said party of the second part, her heirs,

personal representatives, successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 2, in Block No. 1, as shown on the Plat of Towson Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book C.L.B. No. 19, Folio 110. The improvements thereon being known as No. 813 Bosley Avenue.

BEING the same lot of ground which Deed dated May 2, 1983, and recorded among the Land Records of Baltimore County in Liber E.H.K. No. 6924, Folio 74, was granted and conveyed by Hall Klenk, Personal Representative of the Estate of Mildred E. Andrews, deceased, unto the said party of the first part, Grantor herein.

RECEIVED BALTIMORE COUNTY DEPARTMENT OF RECORDS & ADMINISTRATION  
DATE 9-5-84  
CLERK

PETITIONER'S EXHIBIT 7

8 8117\*\*\*\*\*96000a 3043A

You may be represented by anyone of your choice, however, Baltimore Federal Savings and Loan Association will be represented by its attorneys, Thomas and Wilson. You have informed us of your wish to have Title Company of Maryland represent you in the examination of title, preparation of the mortgage and other loan documents, handling the loan settlement and the issuance of a mortgage title policy assuring a first lien on the property supported by a good and merchantable title thereon, required by the Association as a condition of this loan. We are simultaneously with this commitment mailing under separate cover, to said settlement agent, our Instructions for Settlement. Since these instructions require submission of title and other information to our attorneys for review and approval and preparation of the loan documents, a settlement date is not to be set until our attorneys have given their approval of this information. As noted in the Good Faith Estimate of settlement costs we provided to you, our attorney's fee for the above services will be charged to you at settlement.

Pursuant to Federal regulations, you will be charged an initial loan charge at the time of settlement to reimburse the Association for these expenses. Please bear in mind that additional settlement expenses including the cost of any conveyancing, transfer tax, documentary stamps, recording and any fees for representing your interest in this transaction will also be charged to you at settlement.

You will be obligated for the payment of hazard insurance, taxes, special assessments or other public charges and ground rent, if any, and to establish an expense account earning interest, if required by State Law, for payment by the Association of these obligations on your behalf. See the enclosed card for hazard insurance requirements.

Future transfer of the secured property will be subject to the written consent of the Association unless the mortgage is paid in full.

All down payments and closing costs must be paid in cash. No secondary financing will be allowed. Any costs paid for by the seller may be considered as a reduction of sales price and could reduce your loan amount.

A further condition of this loan offer is that your settlement agent be furnished three days prior to settlement a current written certification from a licensed exterminator stating that there is no evidence of termites or other wood destroying insect infestation in the property; and, if such infestation has existed, that the property has been treated and the affected material replaced. This certification must be completed on the latest HUD Wood Infestation Report form, which should be obtained through your local Pest Control Company.

The following work must be done prior to settlement:

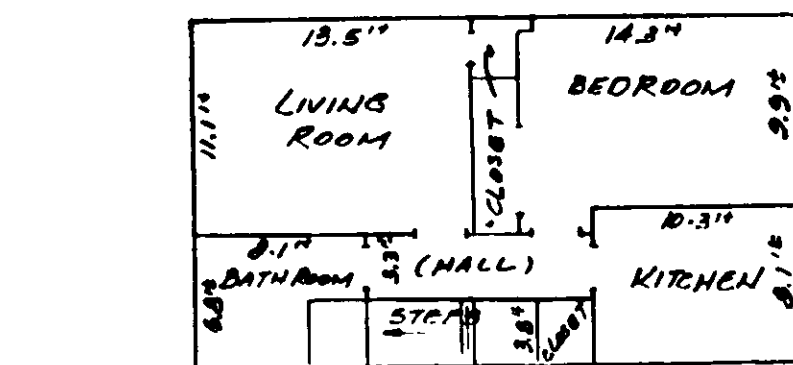
(Convert home to a 2 unit dwelling)

Please notify the attorneys when all the work is finished so that they may order an inspection by Baltimore Federal prior to settlement.

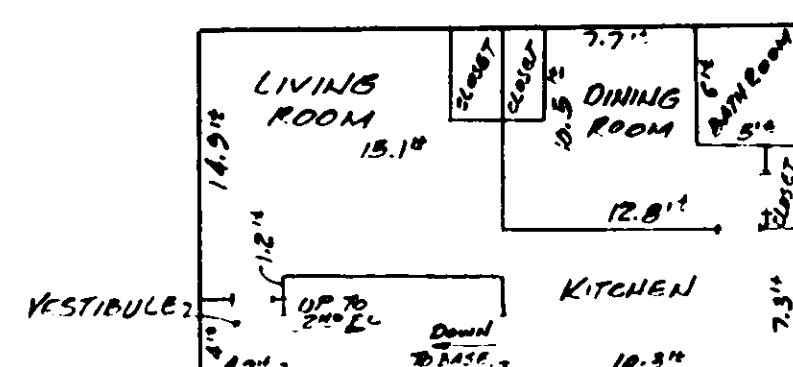
Mortgage guaranty insurance will be required on this loan and a commitment has been obtained on your behalf. The premium for this insurance will be .50% for the first year and .25% per year for each succeeding year on the declining balance.

Baltimore Federal has an easy automatic payment plan. Please read the enclosed information and return your signed authorization card and voided check so that we may enroll you in the plan prior to your first payment.

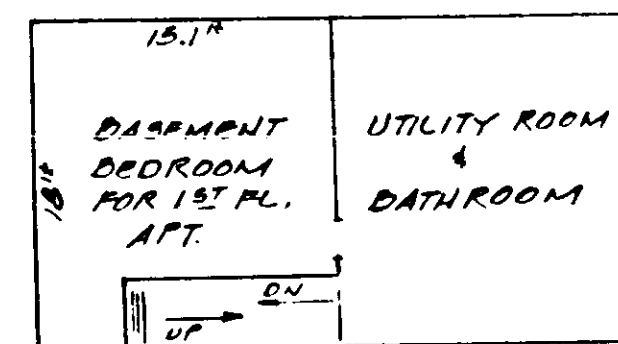
PETITIONER'S EXHIBIT 12



2ND FLOOR APT.



1ST FLOOR APT.



BASEMENT

\* 813 BOSLEY AVENUE  
EXISTING 2 APARTMENT BUILDING

PETITIONER'S EXHIBIT

**GREMPLER REALTY, INC.**

Grempier Multiple List Agents # 5460

Contractor's Name: Jan Frederick Home Phone: 252-5027

Office Phone: 823-0444 (Area Code)

Office Address: 400 East Joyce Road Towson Maryland 21204

(City) (State) (Zip)

The Contract prepared the 19th day of June Nineteen Hundred and Eighty Four

Between: Hall Klenk Seller, and Janice Frederick Buyer

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and being in

COUNTY OR CITY Baltimore County

ADDRESS 813 Bosley Avenue, Towson, Maryland To 21204

GROUND RENT N/A

INCLUSIONS Included in purchase price will be all permanently attached fixtures including a smoke detector and Three (3) Refrigerators, existing furniture, Three (3) ranges, curtain rods, separate meters, existing air conditioners, existing window coverings

THINGS AND USES Seller warrants the property has correct zoning for use as Two (2) Apartments. If the property is not zoned for this use, then this contract shall be null and void and all deposits returned to the Buyer. If the property is zoned for this use, the Buyer shall be bound to comply with all zoning regulations and obtain all necessary permits and approvals for the use of the property as stated herein. The Buyer shall be responsible for all costs of zoning and the Seller shall be responsible for all costs of the property.

SALE PRICE as and for the price of Sixty Thousand Dollars (\$ 60,000.00)

INITIAL DEPOSIT in the form of Check Dollars (\$ 3,000.00)

SECOND DEPOSIT N/A Dollars (\$ 0.00)

SETTLEMENT DATE September 30, 1984

FINANCING The Buyer agrees to make application for a 30 year mortgage with interest not to exceed 11.95 % and to execute all necessary documents to obtain the mortgage. The Buyer agrees to pay the mortgage in full by the date of maturity. The Buyer agrees to pay the mortgage in full by the date of maturity. The Buyer agrees to pay the mortgage in full by the date of maturity.

TOTAL CASH DOWN TOTAL CASH DOWN payment - a portion of which if any will be the deposit(s) made for in the agreement above. TOTAL CASH DOWN \$ 6,000.00 TOTAL CASH DOWN \$ 6,000.00

MORTGAGE The Buyer agrees to pay the mortgage in full by the date of maturity. The Buyer agrees to pay the mortgage in full by the date of maturity. The Buyer agrees to pay the mortgage in full by the date of maturity.

DEPOSITS AND FEES \$ 6,000.00

SPECIAL CONDITIONS \$15,000.00 to be paid at time of settlement for furniture.  
Buyer to pay real estate commission to Grempier Realty, Inc.  
Notice to Buyer & Seller: The recovery of compensation from the real estate guaranty fund of the Maryland Real Estate Commission is limited to an amount not to exceed \$25,000 for any claim.

PETITIONER'S EXHIBIT 11

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Mrs. Janice Frederick  
AFFIANT (Handwritten Signature)  
Janice Frederick  
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

- Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 813 Bosley Ave has been occupied as a Two (Two, Three, etc.) apartment dwelling since Sept 1956 (Month) (Year) (Answer)
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1956 (Month) (Year) (Answer)
- Will you realize any gain from the sale of this Property? (Answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 26 day of July, 1984, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Mrs. Janice Frederick, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

PETITIONER'S EXHIBIT 9

Notary Public  
By Commission Expires: July 1, 1984

PROTESTANT'S

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM 6778 PAGE 13

This Deed, Made this 28th day of August

in the year one thousand nine hundred and eighty four

by and between

TORRELLI HOMES, INC., a body corporate

of the State of Maryland of the first part and

JANICE FREDERICK, 813 BOSLEY AVENUE

of the second part

Witnesseth, That in consideration of the sum of Sixty Thousand Dollars (\$ 60,000.00) DOLLARS, the receipt of which is hereby acknowledged,

the said party of the first part, does grant and convey to the said party of the second part, her heirs,

TPCC Towson Park Community Corporation  
P.O.Box 36542 Baltimore, Maryland 21286

J. Robert Haines  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave.  
Towson, MD 21204

August 26, 1991

Re: Case 91-502-SPH, 813 Bosley Ave.

Dear Mr. Haines:

After much discussion by our Executive Committee and after receiving input from our residents, Towson Park Community Corporation has decided to oppose approval of the non-conforming use of 813 Bosley Ave. as two apartments. Our reasons for this opposition are as follows:

- Approval of this request would establish a dangerous precedent for other property owners in our neighborhood who would also like approval to use their properties as two-apartment dwellings.
- Since it is our understanding from Baltimore County Zoning Enforcement officials that each apartment would be considered a separate living unit, the potential would exist (if this request is approved) for four (4) unrelated persons to legally reside at 813 Bosley Ave. (two persons in each apartment). For any other use in the community, this would constitute a rooming house violation. It would therefore be unfair to allow this property such preferential treatment in a neighborhood which was intended to consist of single-family homes. There are certainly an ample number of apartment complexes in the area providing sufficient rental opportunities without the need for approving this use in Towson Park.
- It is our understanding that a property is entitled to approval of this non-conforming use only if it was built prior to March, 1955 which is the date the current Baltimore County Zoning laws took effect. In checking the County Land Records, we have determined that 813 Bosley Avenue was not built until 1956 and it is therefore not entitled to approval of this non-conforming use.

For the reasons stated above, Towson Park Community Corporation urges you to deny this request.

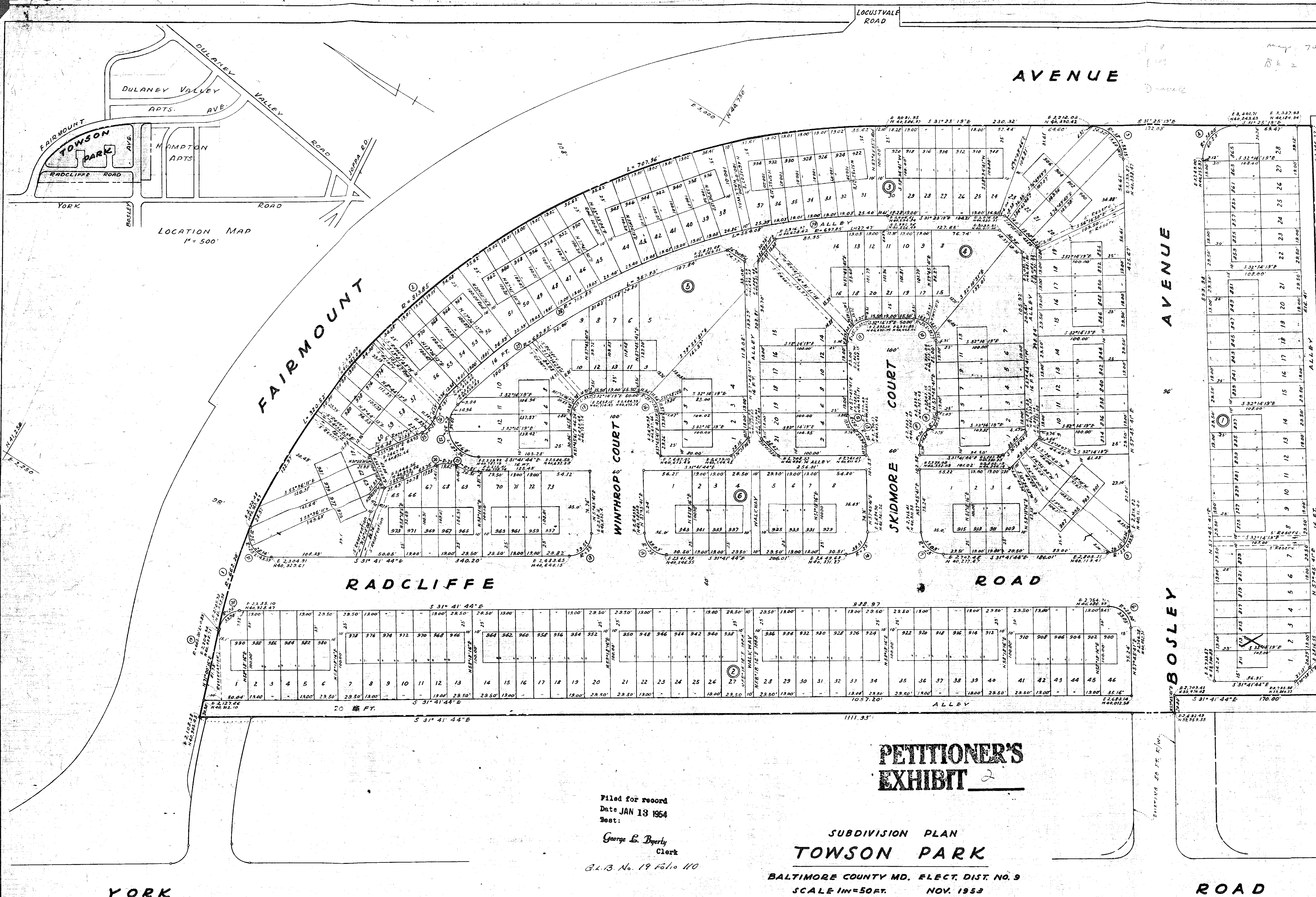
Very truly yours,

Joseph L. Jenkins  
Joseph L. Jenkins,  
President

PROTESTANT'S EXHIBIT







CURVE DATA					
No	Radius	Δ	ARC	TAN CHORD	L.C.B.
1	662.20	27° 43' 57"	320.61	184.46	324° 53' 14" W
2	413.85	49° 50' 28"	107.96	378.17	156° 20' 33" W
3	38.00	88° 11' 00"	59.15	37.46	53° 30' 10" W
4	38.00	90° 49' 00"	66.23	38.55	54° 12' 57" W
5	25.00	30° 32' 35"	39.51	26.24	170° 55' 02" E
6	25.00	89° 27' 25"	38.03	24.76	35° 19' 51" W
7	25.00	89° 27' 25"	38.03	24.76	35° 19' 51" W
8	20.00	60° 00' 00"	20.94	11.55	20.00° N 87° 45' 41" E
9	20.00	60° 00' 00"	20.94	11.55	20.00° N 87° 45' 41" E
10	25.00	90° 00' 00"	39.27	25.00	112° 45' 41" E
11	25.00	90° 00' 00"	39.27	25.00	112° 45' 41" E
12	20.00	60° 00' 00"	20.94	11.55	20.00° N 87° 45' 41" E
13	20.00	60° 00' 00"	20.94	11.55	20.00° N 87° 45' 41" E
14	25.00	90° 32' 35"	39.51	26.24	57° 45' 02" E
15	25.00	89° 27' 25"	38.03	24.76	35° 19' 51" W
16	25.00	90° 00' 00"	39.27	25.00	112° 45' 41" E
17	25.00	90° 00' 00"	39.27	25.00	112° 45' 41" E
18	25.00	90° 32' 35"	39.51	26.24	57° 45' 02" E
19	662.20	27° 43' 57"	320.61	184.46	156° 20' 33" W
20	25.00	77° 15' 42"	33.70	18.97	112° 45' 41" E
21	25.00	113° 11' 05"	49.83	37.80	164° 58' 49" E
22	35.00	135° 48' 05"	72.86	56.10	196° 12' 17" E
23	51.00	29° 47' 33"	26.91	13.24	116° 48' 40" W
24	25.00	53° 41' 30"	24.45	12.40	128° 38' 26" E
25	25.00	53° 41' 30"	24.45	12.40	128° 38' 26" E
26	51.00	29° 47' 33"	26.91	13.24	116° 48' 40" W
27	497.85	29° 22' 44"	257.83	182.50	161° 12' 17" E
28	713.25	44° 28' 20"	354.47	291.22	168° 39' 39" E
29	697.85	10° 27' 53"	127.47	44.84	171° 10' 19" E

PETITIONER'S  
EXHIBIT 2

SUBDIVISION PLAN  
**TOWSON PARK**  
BALTIMORE COUNTY MD. ELECT. DIST. NO. 9  
SCALE 1"=50 FT. NOV. 1953  
TOWSON PARK INC. - DEVELOPERS  
207 RODGERS FORGE RD. BALTO. 12, MD.

Filed for record  
Date JAN 13 1954  
Test:  
George L. Byerly  
Clerk  
G.L.B. No. 19 Folio 110

CERTIFICATION:  
Certification is hereby made that this plat was com-  
piled by G.W. Stephens Jr. & Associates and that  
it meets the requirements of Section 72B Article 17  
of the Annotated Code of Maryland 1947 Supplement.

OWNERS CERTIFICATE:  
Certification is hereby made that all the require-  
ments of the Annotated Code of Maryland Chap-  
ter 72B Article 17 of the Acts of 1945 have been complied with on  
this plat.  
TOWSON PARK INC.  
Vice Pres.

Approved as to alignment and location of Streets  
Baltimore County Planning Commission  
Approved by Baltimore County Planning Commission  
Director

NOTE:  
The streets and/or roads as shown hereon and  
the mention thereof in deeds are for the purpose  
of description only and the same are not intended  
to be dedicated to public use; the fee simple  
title to the lands thereof is expressly reserved in  
the Grants of the deed to which this plat is  
attached, their heirs and assigns.

NOTE:  
Coordinates are related to traverse of  
Baltimore County Metropolitan District.  
All reservations shown here on are  
for the installation of underground  
utilities.  
Elected Nos. shown thus: (C)  
This is to certify the figures shown  
hereon in red are correct as revised  
George W. Stephens Jr. & Associates  
Assoc. No. 228